



1FW 2665

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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| | | |
|---|------------------------|-----------------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10/060020-Conf. #4941 |
| | Filing Date | January 29, 2002 |
| | First Named Inventor | Terence E. SUMNER |
| | Art Unit | 2665 |
| | Examiner Name | D. C. Ho |
| Total Number of Pages in This Submission | Attorney Docket Number | 0100415.00493US1 |

ENCLOSURES (Check all that apply)

| | | |
|---|--|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard Petition to Withdraw Notice of Abandonment Due to Timely Mailed Response |
| <div>Remarks</div> | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|---|----------|--------|
| Firm Name | WILMER CUTLER PICKERING HALE AND DORR LLP | | |
| Signature | | | |
| Printed name | Michael A. Diener | | |
| Date | 5-10-06 | Reg. No. | 37,122 |

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: May 10, 2006

Signature:

(Jody Begley)



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Attorney Docket No. 113041.125)

In re Application of: Sumner, et al.)
Serial No. 10/060,020)
Filing Date: 01/29/2002)
For: MANAGING WIRELESS NETWORK DATA)

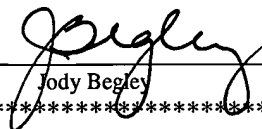
Examiner: Ho, Duc Chi
Group Art Unit: 2665

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 CFR §1.8 (a)

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Date:

5/10/06


Jody Begley

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW NOTICE OF ABANDONMENT
DUE TO TIMELY MAILED RESPONSE**

A Notice of Abandonment (copy attached) was mailed on May 1, 2006, for the above-referenced application. The indicated reason for abandonment is failure to timely file a proper reply to the Office letter mailed on October 26, 2005 within the statutory period of time. Applicants respectfully submit that the following documents (copies attached) were filed on April 25, 2006 in reply to the aforementioned Office letter:

- Transmittal with certificate of mailing on April 25, 2006 (1 page)
- Petition for Extension of Time (3 months) (1page)
- Amendment (11 pages)
- Reference article (4 pages)

Applicants' return postcard (copy attached) listing the aforementioned documents was date-stamped by the U.S. Patent and Trademark Office (PTO) as being received on April 27, 2006. Therefore, the Notice of Abandonment was issued erroneously.

Applicants respectfully request that the Notice of Abandonment be withdrawn and that the application be restored to pending status.

Applicants also request that the Attorney Docket Number be changed to the following: 0100415.00493US1.

No fees are believed to be due in connection with this petition. However, please charge any fees which might be due to Deposit Account No. 08-0219.

Respectfully submitted,

Date: May¹⁰ 10, 2006

Michael A. Diener
Michael A. Diener
Registration No. 37,122
Attorney for Applicant

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Hale and Dorr LLP
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| APPLICATION NO. | FILING DATE | FIRST NAME INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------|---------------------|------------------|
| 10/060,020 | 01/29/2002 | Terence Edward Sumner | 113041.125 | 4941 |

23483 7590 05/01/2006

WILMER CUTLER PICKERING HALE AND DORR LLP
60 STATE STREET
BOSTON, MA 02109

EXAMINER

HO, DUC CHI

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 05/01/2006



Please find below and/or attached an Office communication concerning this application or proceeding.

WILMER CUTLER PICKERING
HALE and DORR LLP DOCKETING

RE: 100415.493US1

Action Date: 6/1/06

Action to be Taken: Pet. to Re-Instate?

Docketed By: Exi On: 5/31/06



Notice of Abandonment

Application No.

10/060,020

Examiner

Duc C. Ho

Applicant(s)

SUMNER ET AL.

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 26 October 2005.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

DUC HO
PRIMARY EXAMINER

Duc Ho
4-28-06

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10/060020-Conf. #4941 |
| | Filing Date | January 29, 2002 |
| | First Named Inventor | Terence E. SUMNER |
| | Art Unit | 2665 |
| | Examiner Name | D. C. Ho |
| Total Number of Pages in This Submission | Attorney Docket Number | 0100415.00493US1 |

ENCLOSURES (Check all that apply)

| | | |
|---|--|---|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard Copy of 1 Reference (4 pages) |
| Remarks | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|---|----------|--------|
| Firm Name | WILMER CUTLER PICKERING HALE AND DORR LLP | | |
| Signature | | | |
| Printed name | Michael A. Diener | | |
| Date | April 25, 2006 | Reg. No. | 37,122 |

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: April 25, 2006

Signature: (Jody Begley)



PTO/SB/22 (12-04)

Approved for use through 7/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2005 (Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).) | | Docket Number (Optional) 0100415.00493US1 | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|------------|---|-------------|--|------------|-------------------------|--|--|-------|------|----|---|-------|-------|----|--|--------|-------|-------------|--|--------|-------|----|--|--------|--------|----|
| Application Number 10/060020-Conf. #4941 | | Filed January 29, 2002 | | | | | | | | | | | | | | | | | | | | | | | | | |
| For MANAGING WIRELESS NETWORK DATA | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Art Unit 2665 | | Examiner D. C. Ho | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.</p> <p>The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):</p> <table><thead><tr><th></th><th><u>Fee</u></th><th><u>Small Entity Fee</u></th><th></th></tr></thead><tbody><tr><td><input type="checkbox"/> One month (37 CFR 1.17(a)(1))</td><td>\$120</td><td>\$60</td><td>\$</td></tr><tr><td><input type="checkbox"/> Two months (37 CFR 1.17(a)(2))</td><td>\$450</td><td>\$225</td><td>\$</td></tr><tr><td><input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))</td><td>\$1020</td><td>\$510</td><td>\$ 1,020.00</td></tr><tr><td><input type="checkbox"/> Four months (37 CFR 1.17(a)(4))</td><td>\$1590</td><td>\$795</td><td>\$</td></tr><tr><td><input type="checkbox"/> Five months (37 CFR 1.17(a)(5))</td><td>\$2160</td><td>\$1080</td><td>\$</td></tr></tbody></table> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input checked="" type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <u>08-0219</u>. I have enclosed a duplicate copy of this sheet.</p> <p>I am the <input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).</p> <p><input type="checkbox"/> attorney or agent of record. Registration Number _____</p> <p><input checked="" type="checkbox"/> attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 <u>37,122</u></p> <p><u>Michael A. Diener</u> <u>April 25, 2006</u> Signature Date</p> <p><u>Michael A. Diener</u> <u>(617) 526-6000</u> Typed or printed name Telephone Number</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p> <p><input type="checkbox"/> Total of <u>1</u> forms are submitted.</p> | | | | | <u>Fee</u> | <u>Small Entity Fee</u> | | <input type="checkbox"/> One month (37 CFR 1.17(a)(1)) | \$120 | \$60 | \$ | <input type="checkbox"/> Two months (37 CFR 1.17(a)(2)) | \$450 | \$225 | \$ | <input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3)) | \$1020 | \$510 | \$ 1,020.00 | <input type="checkbox"/> Four months (37 CFR 1.17(a)(4)) | \$1590 | \$795 | \$ | <input type="checkbox"/> Five months (37 CFR 1.17(a)(5)) | \$2160 | \$1080 | \$ |
| | <u>Fee</u> | <u>Small Entity Fee</u> | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> One month (37 CFR 1.17(a)(1)) | \$120 | \$60 | \$ | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Two months (37 CFR 1.17(a)(2)) | \$450 | \$225 | \$ | | | | | | | | | | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3)) | \$1020 | \$510 | \$ 1,020.00 | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Four months (37 CFR 1.17(a)(4)) | \$1590 | \$795 | \$ | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Five months (37 CFR 1.17(a)(5)) | \$2160 | \$1080 | \$ | | | | | | | | | | | | | | | | | | | | | | | | |

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: April 25, 2006

Signature: Jody Begley (Jody Begley)



PATENT

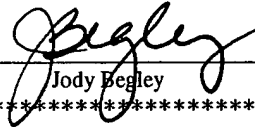
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. 113041.125)

| | | | | |
|-----------------------|--------------------------------|---|-----------------|-------------|
| In re Application of: | Sumner, et al. |) | Examiner: | Ho, Duc Chi |
| | |) | | |
| Serial No. | 10/060,020 |) | Group Art Unit: | 2665 |
| | |) | | |
| Filing Date: | 01/29/2002 |) | | |
| | |) | | |
| For: | MANAGING WIRELESS NETWORK DATA |) | | |

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 CFR §1.8 (a)

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Date: 4/25/06


Jody Begley

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

This Amendment is in response to the Office Action dated October 26, 2005. In response to the Office Action, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper

Amendments to the Claims

1. (Currently Amended) A method ~~for use in managing wireless network data~~, comprising:
a wireless device identifying and obtaining access information for a wireless local area network (WLAN), the access information being accessible over from a separate wireless-packet data connection wide area network (WWAN), the WWAN and WLAN being different networks; and
 based on the access information, establishing a connection between ~~[[a]]the wireless data device and the WLAN.~~
2. (Currently Amended) The method of claim 1, wherein the wireless device is capable of receiving data from ~~a wireless wide area network (the WWAN [()])~~ and relating it to [[from]] the WLAN, the data including one or more of frequency, modulation, a server set identifier, and an identifier portion of a MAC address.
3. (Currently Amended) The method of claim 1, wherein the WWAN ~~wireless-packet data connection~~ includes a narrowband packet data connection.
4. (Currently Amended) The method of claim 1, wherein the WWAN ~~wireless-packet data connection~~ includes a ~~connection that is compatible with~~ narrowband paging network technology.
5. (Currently Amended) A method ~~for use in managing wireless network data~~, comprising:
a wireless device identifying and obtaining a list of wireless local area networks (WLANs), the list being accessible over from a separate wireless-packet data connection wide area network (WWAN), the WWAN being a different network from the WLANs on the list; and
 based on the list, attempting to establish a packet data connection with at least one of the WLANs ~~[[in]]on~~ the list.
6. (Cancelled)

7. (Currently Amended) A method ~~for use in managing wireless network data~~, comprising:
- identifying a wireless device and a wireless local area network (WLAN) not then communicating with the wireless device;
- conveying information via a separate wireless packet data connection network to the wireless device sufficient to enable the wireless device to ~~detect~~communicate with the WLAN, the separate wireless network and WLAN being different networks; and
- sending information to a control point of the WLAN ~~sufficient~~ to authorize the wireless device to utilize a service through the WLAN.
8. (Currently Amended) The method of claim 7, further comprising: ~~causing~~ the wireless device to ~~confirm~~confirming to the control point that access has been granted.
9. (Original) The method of claim 7, further comprising: reporting charges for usage of services through the WLAN to a billing service.
10. (Original) The method of claim 7, further comprising: validating the identity of the wireless device before permitting access to the WLAN.
11. (Original) The method of claim 7, further comprising: authenticating the identity of the user of services through the WLAN before permitting the usage of services.
12. (Currently Amended) The method of claim 7, further comprising: using a wireless wide area network (WWAN) location to approximate proximity to ~~[[a]]~~the WLAN.
13. (Currently Amended) The method of claim 7, further comprising: using a geo-location network to approximate proximity to ~~[[a]]~~the WLAN.
14. (Currently Amended) The method of claim 7, further comprising: using location information supplied by the user to approximate proximity to ~~[[a]]~~the WLAN.
15. (Currently Amended) A system ~~for use in managing wireless network data~~, comprising:

an information identifier identifying and obtaining access information for a wireless local area network (WLAN), ~~the access information being accessible over~~ from a separate wireless-packet-data-connection network, the separate wireless network and WLAN being different networks; and

a connection establisher establishing, based on the access information, a connection between a wireless data device and the WLAN.

16. (Currently Amended) The system of claim 15, wherein the separate wireless network is a wireless wide area network, and the wireless device is capable of receiving data from [[a]]the wireless wide area network (WWAN)-and from the WLAN.

17. (Currently Amended) The system of claim 15, wherein the separate wireless-packet-data-connection network includes a narrowband packet data connection.

18. (Currently Amended) The system of claim 15, wherein the separate wireless-packet-data-connection network includes a ~~connection that is compatible with~~ narrowband paging network technology.

19. (Currently Amended) Apparatus ~~for use in managing wireless network data~~, comprising:
an information identification mechanism identifying and obtaining access information for a wireless local area network (WLAN), ~~the access information being accessible over~~ from a separate wireless-packet-data-connection network, the separate wireless network and WLAN being different networks; and

a connection establishing mechanism establishing, based on the access information, a connection between a wireless data device and the WLAN.

20. (Currently Amended) Computer software, residing on a computer-readable storage medium, comprising a set of instructions for use in a computer system to help cause the computer system to manage wireless network data, the set of instructions causing the computer system to:

identify and obtain access information for a wireless local area network (WLAN), ~~the access information being accessible over from a separate wireless packet data connection network, the separate wireless network and WLAN being different networks~~; and

based on the access information, establish a connection between a wireless data device and the WLAN.

21. (New) The method of claim 1, wherein the wireless device is capable of receiving data from the WWAN and relating it to the WLAN, the data including frequency, modulation, a server set identifier, and an identifier portion of a MAC address.
22. (New) The method of claim 5, wherein the WWAN includes a narrowband paging network.
23. (New) The method of claim 7, wherein the separate wireless network includes a narrowband paging network.
24. (New) The method of claim 19, wherein the separate wireless network includes a narrowband paging network.
25. (New) The method of claim 20, wherein the separate wireless network includes a narrowband paging network.

Remarks

Claims 1- 20 had been presented. Claims 1-20 were rejected for the reasons detailed below. Claim 6 has been cancelled. Claims 1-5, 7, 8, 12-20 have been amended. Claims 21-25 have been added. Applicants respectfully request reconsideration.

Information Disclosure Statement

The Examiner has requested a copy of the article "New advanced billing for 3G wireless, 3G HOME, cccc FREE Daily 3G Newsletter, January 21, 2002" be provided. Applicants do not possess a copy of this article in their files. Applicants provide the reference entitled "Megisto Systems' Mobile Subscriber Service Architecture Enables Full Potential of Wireless Data Networks" as the closest match of the article previously disclosed.

Applicants have not received an initialed copy of the Form 1449 that was submitted with an Information Disclosure Statement on March 19, 2002. Applicants request that the Examiner return a copy of the initialed Form 1449 with the next communication.

Rejections under 35 U.S.C. § 102

Claims 1-5 and 15-20 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Pat. No. 6,477,156 to Ala-Laurila et al. (herein the Ala-Laurila et al. patent). In particular, the Office Action states, "Laurila discloses apparatus and associated method for selectably operating radio device in alternate operating mode."

Applicants respectfully traverse this rejection because the reference cited by the Office Action does not teach every element of independent claims 1, 5, 15, 19, or 20. In particular, as

stated in M.P.E.P. § 2131: "A claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference."

Independent claim 1 of the present invention is directed to a method for use in managing wireless network data. The method identifies and obtains access information for a wireless local area network (WLAN) from a separate wireless network. The separate wireless network and WLAN are different networks. Based on the access information, a connection is made between a wireless data device and the WLAN.

Similarly, independent claims 15, 19, and 20 of the present invention are directed to a method, an apparatus, and computer software, respectively, that identify and obtain access information for a WLAN from a separate wireless network. The Ala-Laurila et al. patent does not disclose obtaining access information from a wireless network that is separate from the WLAN with which a connection will be attempted and/or established. Use of a separate network to obtain access information provides advantages, e.g. the separate network may provide a larger coverage area than the WLAN. (See pg. 4, lines 3-11).

Independent claim 5 of the present invention is directed to a method for use in managing wireless network data. The method identifies and obtains a list of wireless local area networks (WLANs) from a separate wireless network. The separate wireless network is a different network from the WLANs on the list. Based on the list, the method attempts to establish a packet data connection with at least one of the WLANs in the list. The Ala-Laurila et al. patent does not disclose obtaining a list of WLANs from a wireless network that is separate from the WLANs on the list with which a connection is attempted.

As noted above, the Ala-Laurila et al. patent only discloses a method and apparatus for selectably operating a radio device in an alternate operating mode. Therefore, because the Ala-

Laurila et al. patent fails to disclose or suggest each and every element as set forth in independent claims 1, 5, 15, 19, and 20, these claims are patentable over the Ala-Laurila et al. patent. Claims 2-4 depend from claim 5, and claims 16-18 depend from claim 15. Thus, these dependent claims are also patentable over the Ala-Laurila et al. patent for at least the same reasons as those for the independent claims.

Claims 6 and 7 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Pat. No. 6,888,811 to Eaton et al. (herein Eaton et al.). In particular, the Office Action states, "Eaton discloses communication system for location sensitive information and method therefore." Applicants have cancelled claim 6 and traverse the rejection with respect to independent claim 7 because the reference cited by the Office Action does not teach every element.

Independent claim 7 is directed to a method for use in managing wireless network data. The method identifies a wireless device and a wireless local area network (WLAN) and conveys information via a separate wireless network to the wireless device sufficient to enable the wireless device to detect the WLAN. The separate wireless network and WLAN are different networks. In addition, the method sends information to a control point of the WLAN sufficient to authorize the wireless device to utilize a service through the WLAN.

Eaton et al. do not disclose conveying information via a separate wireless network to the wireless device sufficient to enable a wireless device to detect a WLAN. Eaton et al. disclose a wireless device that must detect the presence of a smart network access point on its own. (See Eaton et al. col. 12, lines 18-19, col. 13, lines 26-27, and col. 15, lines 10-11). Conveying information via a separate wireless network to the wireless device sufficient to enable a wireless device to detect a WLAN provides advantages, e.g., it can minimize time to access because the

wireless device does not have to scan blindly for all possible nearby WLANs. (See pg. 7, lines 16-25).

As noted above, Eaton et al. only disclose a system and method for communicating location sensitive information, which rely upon the wireless device, on its own, to detect the presence of a smart network access point. Because Eaton et al. fail to disclose or suggest each and every element as set forth in independent claim 7, this claim is patentable over Eaton et al.

Rejections under 35 U.S.C. § 103

Claims 8-14 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Eaton et al. in view of “Wireless LAN Access Network Architecture for Mobile Operators” by Juha Ala-Laurila et al. (herein the Ala-Laurila et al. article). Claims 8-14 depend from claim 7. The Office Action states that Eaton et al. supply all limitations of independent claim 7, and the Ala-Laurila et al. article supplies the additional limitations found in dependent claims 8-11, which are lacking in Eaton et al. The Office Action states Eaton et al. supply the additional limitations found in dependent claims 12-14.

Applicants respectfully traverse this rejection because the Office Action does not present a *prima facie* case for obviousness based upon the teachings of Eaton et al. alone or in combination with the Ala-Laurila et al. article because these references do not teach or suggest all of the claim limitations. As stated in M.P.E.P. § 2142 (emphasis added):

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed

combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

As explained above, claims 8-14 depend from independent claim 7. Claim 7 of the present invention is directed to a method for use in managing wireless network data. The method identifies a wireless device and a wireless local area network (WLAN) and conveys information via a separate wireless network to the wireless device sufficient to enable the wireless device to detect the WLAN. The separate wireless network and WLAN are different networks. In addition, the method sends information to a control point of the WLAN sufficient to authorize the wireless device to utilize a service through the WLAN.

Eaton et al. disclose a wireless device that must detect the presence of a smart network access point on its own. (See Eaton et al. col. 12, lines 18-19, col. 13, lines 26-27, and col. 15, lines 10-11). The Ala-Laurila et al. article discloses a wireless LAN system architecture that combines the WLAN radio access technology with mobile operators' SIM-based subscriber management functions and roaming infrastructure. Neither Eaton et al. nor the Ala-Laurila et al. article teach or suggest conveying information via a separate wireless network to the wireless device sufficient to enable a wireless device to detect a WLAN. Accordingly, neither Eaton et al. alone nor in combination with the Ala-Laurila et al. article, provide support for a *prima facie* case of obviousness. Claims 8-14 are therefore patentable over the cited references.

For the sake of completeness, the Applicants note the Office Action appears to reject claims 12-14 under 35 U.S.C. § 102(e) rather than under 35 U.S.C. § 103(a) because the Office Action states Eaton et al. supply not only the limitations of underlying independent claim 7, but also the additional limitations found in dependent claims 12-14. As explained above in the remarks addressing the rejection of claim 7 under 35 U.S.C. § 102(e), Eaton et al. fail to disclose

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or suggest each and every element as set forth in independent claim 7. Because claims 12-14 depend from claim 7, these claims are patentable over Eaton et al. for at least the same reasons as those for independent claim 7.

All claims should now be in condition for allowance, and accordingly a notice of allowance is respectfully requested. If there are any remaining issues, the examiner is urged to contact applicant's attorney at the telephone number listed below.

The Commissioner is hereby authorized to charge any fee deficiency associated with this submission, or credit any overpayment to Deposit Account No. 08-0219.

In the event that an extension of time is required, or that may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of which is required to make this response timely, and is hereby authorized to charge any fee for such, to deposit account number 08-0219.

Respectfully submitted,

Date: 4-25-06



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Megisto Systems' Mobile Subscriber Service Architecture Enables Full Potential of Wireless Data Networks



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GERMANTOWN, Md.--Jan. 21, 2002-- New Architecture Allows Carriers to Deliver and Bill for Advanced Mobile Services Via Always-On Connections to 2.5G, 3G, or WLAN Networks

Megisto Systems, makers of innovative core network infrastructure for advanced mobile services, today announced its Mobile Subscriber Service(TM) (MSS) architecture.

MSS is a subscriber- and service-aware core network infrastructure that enables mobile operators to grow revenues per user by creating new kinds of services that their subscribers want and need, and allows them to effectively bill for these services.

"Upgrading the mobile access network to 2.5G technology is just the first step toward creating desirable and profitable wireless services," said Gordon Saussy, co-founder, president and CEO of Megisto. "To achieve rapid return on their investments and sustain growth, carriers will need to deliver secure and personalized services, track and bill for those services, and form profitable relationships with application and service partners. Coming from strong backgrounds in both wireless and IP data networking, we understand the unique requirements of supporting IP services in mobile environments, and we designed the MSS architecture to meet those needs."

Subscriber and Service Aware

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The power of the MSS architecture comes from its ability to provide the subscriber and service awareness and the key service interfaces required to deliver personalized mobile services.

Traditional products built for the Internet can use fixed information from the packet header or the access link to identify a customer. But this information is not available in a mobile network. Megisto's products anchor the mobile subscriber and have knowledge of the subscriber's identity, activity, and usage--the key state information required to deliver the advanced services of interest to mobile subscribers.

Unlike routers and subscriber management systems built for the conventional fixed Internet, the MSS was designed from the ground up to manage this state information and to effectively process mobile subscriber data traffic. The MSS also offers a powerful set of mobile service interfaces. These interfaces present state information to external service and application platforms that offer advanced services.

Unleashing the Power of the Mobile Internet

The MSS architecture helps operators realize the full potential of the Mobile Internet by delivering a broad range of new and profitable services. With secure mobile connections, enterprises will implement a host of high-value services such as mobile sales force automation, inventory tracking, and remote power control and monitoring.

For consumer subscribers, carriers will be able to offer everything from automatic news updates, investment alerts, and peer-to-peer gaming, to remote home monitoring. Carriers will be able to support a variety of billing services to suit individual customer preferences, including prepaid billing, billing for access to WLANs, and subsidized billing.

"Although many mobile networks have been upgraded to provide continuous data connectivity, if network operators and service providers want to maintain growth and make money, the network infrastructure must do much more. It must become a revenue platform that keeps users connected, delivers services, and tracks their consumption--including context and content--and integrates smoothly and seamlessly with back-end billing and management systems," said Michael Davies, chairman and founder of Mercator Partners. "Megisto's MSS architecture pulls together all these key functions, giving mobile operators a simple and effective way to deliver and profit from advanced services, that can scale as this part of their business grows."

Universal Mobility Enables Seamless WLAN Roaming

A powerful feature of the MSS architecture is Universal Mobility (TM), which enables another new service: WLAN roaming. Mobile operators can increase revenues by augmenting their 2.5G and 3G

networks with high-capacity, low-cost WLAN access using 802.11b/WiFi in high-density locations such as airports, convention centers, and coffee shops. Universal Mobility ensures that users receive consistent network services from a single mobile operator regardless of the access network technology and removes the need for users to be "network aware" before they can take advantage of high-capacity, hot-spot services.

"We believe WLAN service is a key enabler for and a complement to 2.5G and 3G services," said Carol Politi, Megisto co-founder and vice president of marketing. "Combining wireless LAN access with 2.5G and 3G networks provides a strategic advantage to mobile operators, enabling them to deliver a profitable value-added service and at the same time decrease their network build-out costs in critical high-density areas."

"Integrated WLAN access solutions, only possible from wireless operators, will stimulate mobile data usage while providing an additional revenue stream, expected to be worth \$6 billion in 2006," said Christine Loreda of Strategis Group. "Hot spots are a great way to boost capacity and bandwidth at a relatively low cost and they can enhance the 2.5G network experience for mobile users."

About Megisto Systems

Megisto Systems is developing a Mobile Internet Service Gateway that will enable mobile operators to fully realize the benefits of the Mobile Internet by delivering new and profitable data services. Megisto's subscriber- and service-aware infrastructure provides the network intelligence required to deliver profitable and secure personalized services to subscribers roaming between 2.5G, 3G, and WLAN networks.

Founded in May 2000, Megisto has a unique blend of expertise in both wireless mobile and data communications. The company's executive team consists of veteran managers who have brought together a team with extensive experience in both entrepreneurial and established networking companies such as Ericsson, Alcatel, Motorola, Lucent, Torrent Networking, 3Com, Sprint, BBN, Level 3, Hughes Network Systems, and AT&T Labs. Megisto is headquartered in Germantown, Md., in the heart of Washington, D.C.'s high-tech corridor. For more information about Megisto, please visit the corporate Web site at www.megisto.com.

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